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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1995]

The rights of women

1. The momentum to respond to human rights violations against women has grown during this past year. Human Rights Watch welcomes the appointment in 1994 of the first Special Rapporteur on violence against women by the Commission on Human Rights, Radhika Coomaraswamy, and her mandate to report on and propose measures to eliminate family violence, community violence and State-sponsored violence against women. Women's human rights have also been a focus of the regional preparations for the Fourth World Conference on Women, to be held in Beijing in 1995. These efforts have identified and characterized the abuse of women's human rights and have laid a foundation for the elimination of violence against women and its causes.

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2. However, serious human rights abuses against women continue to be a global phenomenon. While violence against women takes different forms, it is endemic to all societies, and certain patterns of violence against women are clearly identifiable globally. The recognition by the international community of these sex-specific human rights abuses is only a first step. Vigorous efforts must be taken to strengthen international and national mechanisms to hold Governments and perpetrators of such violations accountable. In particular, Human Rights Watch urges the Commission to take action to end human rights violations against women in the following areas.

Domestic violence against women

3. One of the most pervasive forms of violence against women is abuse inflicted by intimate male partners. In many countries, wife-murder is commonplace. In some countries, women are killed because their husband or his family are dissatisfied with their dowry. In others, husbands kill their wives for alleged adultery or other behaviour that they deem inappropriate. In virtually every country, domestic violence is a leading cause of female injury, accounting in some countries for the largest percentage of hospital visits by women.

4. Much of the problem is due to the widespread belief on the part of judicial and police agencies that violence in the home is "private" and therefore exempt from the law. Human Rights Watch has found that often, law enforcement agencies and police have denied women equal protection of the law by refusing to investigate or to prosecute violence against women, particularly domestic violence and rape. In the Russian Federation, police often refuse to investigate the assault and rape of women in their homes and deny women the chance to file reports of such attacks. Russian police label such assaults a "family affair", and tell women to return to their husbands or partners. The failure of police to investigate reports of abuse by intimate partners and to prosecute women's attackers contributes to an environment in which men beat their wives or domestic partners with impunity. In one case documented by Human Rights Watch, a man threatened his wife, "I'm going to kill you and no one will do anything to me for it".

5. In Brazil, the Government is failing to prosecute domestic violence despite a rise in wife-murder, battery and rape. Over 70 per cent of all reported cases of violence against women in Brazil take place in the home. Of these reported cases, only a statistically insignificant number ever result in punishment of the accused. Prosecutors and judges often reduce charges against wife-murderers without justification, and since these defendants are usually first-time offenders, they tend to receive lenient sentences despite the gravity of their crime.

Refugee women and rape

6. Women refugees and displaced persons are among those most vulnerable to violence. Rape and other physical abuse occur not only in areas of armed conflict or during flight, but also in refugee camps. Despite the prevalence of physical and sexual assault, international humanitarian and human rights organizations as well as host countries often fail to recognize such gender-based abuse, and consequently fail to provide women with appropriate

protection or necessary legal recourse. Moreover, abuse of women refugees frequently goes unremedied and unrecognized as a basis for asylum.

7. In Kenya, the rape of Somali refugee women in the camps in the north-east continues. Refugee women are raped by bandits, warring factions and, to a lesser extent, Kenyan police. Young refugee girls constitute the greatest percentage of all rape victims in the camps. They are frequently attacked when they leave the security of the camps to perform traditional tasks of fetching firewood and herding goats. The Kenyan authorities have been unwilling to take vigorous steps to punish perpetrators of rape. In particular, the Kenyan police have not demonstrated any willingness to investigate cases implicating their own officers.

8. The attacks against women refugees in the Kenyan camps continue. In 1994, however, as a result of the combined efforts of the relief community and the Kenyan Government, the number of rapes reported each month has steadily dropped from a monthly average of 32 in 1993 to below 10 per month in 1994. This improvement demonstrates that the international community can act effectively to stop sexual violence in refugee camps. This lesson, however, has not helped Rwandan women refugees in Zaire. There, reports indicate that sexual abuse remains unaddressed by the relief community and the Zairian Government.

Abuses against women migrant labourers

9. Worldwide, an increasing number of women and girls are migrating, internally and internationally, in search of work. While many migrate legally, numerous others are trafficked by organized underground networks. Regardless of how they have entered the receiving country, many women and girls are abused virtually without recourse. The most vulnerable are the trafficking victims who frequently are recruited with offers of lucrative jobs, only to find themselves forced into prostitution under conditions that amount to a modern form of slavery. Even women who migrate legally for jobs such as domestic service are often abused by employers who go unpunished. Governments of both sending and receiving countries have turned a blind eye to such abuse and consistently have failed to enforce domestic and international anti-trafficking laws by vigorously prosecuting and punishing violators.

10. In South-East Asia, women and girls from Myanmar are traded into Thailand with false promises of employment, such as restaurant or factory jobs, only to find themselves forced into prostitution in Thai brothels. They are held in debt bondage for travel fees, clothing and food and are threatened with violence if they leave without paying off their debt. The Thai police and, to a lesser extent, the immigration officials of the two countries are complicit in every stage of trafficking. The Thai Government's response has been to arrest and deport the women and girls from Myanmar as illegal immigrants rather than to prosecute the abusers.

11. In Kuwait, foreign women workers from Asian countries are frequently abused by their employers. Many are drawn to Kuwait by the hope of higher wages. Instead, they experience physical and sexual assault, debt bondage, passport deprivation, illegal confinement, and contract violations. The Kuwaiti Government has done little to address the foreign women's plight

despite its full knowledge of their deplorable situation. A decree to regulate Kuwaiti recruitment agencies has not been consistently enforced, and foreign maids continue to be excluded from the protection of labour legislation, leaving them at the mercy of their employers.

12. Human Rights Watch calls on the United Nations Commission on Human Rights to strengthen mechanisms of accountability to ensure that Governments take steps to end discrimination and to punish perpetrators of violence against women. The Commission should also integrate women's rights into the system-wide human rights activities of the United Nations by, among other measures, ensuring that the preliminary report of the Special Rapporteur (E/CN.4/1995/42) receives the necessary attention and reaffirming its resolution 1993/46 requesting all special rapporteurs and working groups of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to include regularly and systematically in their reports information on human rights violations against women.